

SUBDIVISION MEETING
May 12, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Varone and Murray are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Lindsay Morgan, Frank Rives, Eric Griffin, Eric Shoenberger, Peter Meloy, Ron Newberry, Phil & Terry Lamping, Bert Carlson, Ron Newberry, Eric Spangenberg and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Introduction. Eric introduced Eric Spangenberg, new hire for GIS.

Consent Action Items:

Commissioner Murray asked that Items E, F, and G be removed from the consent action item list to be discussed.

- A. Authorization To Apply For A Preservation Assistance Grant. (Marsha Davis)

- B. Authorization To Apply For Isolation Status For Trinity School. (Marsha Davis)

- C. Bid Award To Wadsworth Builders, Inc. for the Cooney Home Renovations in the amount of \$513,500. (Eric Griffin)

- D. Request For One-Year Extension of Preliminary Plat Approval for Holmberg Village Estates Block #2 to May 11, 2006. (Applicant, H&I Development, Inc.) (Planner, Michael McHugh)

- H. Board Appointments (Ron Alles)
 - Lincoln Community Council.
 - Lincoln Park Board.

Commissioner Murray moved to approve Consent Action Items A through H and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously (3-0).

The following items were removed for discussion:

Request for Variance from the Side Yard Setback Requirements of the Rural Residential and Agricultural District of Special Zoning District No. 25. (Applicant, Steve Meloy) (Planner, Lindsay Morgan) (Continued from 4/12/05). Variance located in the SE1/4 of Section 14, T10N, R3W; generally located at 3350 Horseshoe Bend Road.

Request for Variance from the Side Yard Setback Requirements of Rural Residential and Agricultural District of County Special Zoning District No. 25. (Applicant, Peter Meloy) (Planner, Lindsay Morgan)(cont. from 4/12/05). Variance located in the SE ¼ Section 14, T10N, R4W; generally located at 3330 Horseshoe Bend Road.

Commissioner Murray moved to combine both variances (formerly Consent Agenda Items E and F) and moved to adopt recommendations of planning and zoning commission and incorporate the testimony into the record.

Commissioner Murray moved to approve and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously (3-0).

Resolution Of Intention to Change the Solid Waste Service Fee as Recommended by the Augusta Solid Waste District. Commissioner Murray reported that at the Monday night meeting the Solid Waste Board in Augusta moved to reduce fees by \$5/per year and moved to join the recycling program.

Commissioner Murray moved to approve the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously (3-0).

Commissioner Tinsley read over the rates:

TYPE OF UNIT	CURRENT RATE	NEW RATE
Residential (1 ton)	\$ 75	\$ 70
Commercial Class 1 (2 tons)	\$150	\$125
Commercial Class 2 (2-3 tons)	\$225	\$200
Commercial Class 3 (3-4 tons)	\$300	\$275
Commercial Class 4 (4-5 tons)	\$375	\$350
Commercial Class 5 (5+ tons)	\$ ---	\$900

Request To Consider Modification Of Conditions Of Approval For EZ Access Storage Minor Subdivision. (Applicants, Phil & Terry Lamping) (Planner, Frank Rives) The Commissioners will consider whether there is sufficient information to schedule a public hearing.

Frank Rives: You'll be considering whether this warrants a formal public notice, staff report and public meeting. The Lampings and the Fire Department are still trying to come to an agreement regarding the 3rd condition.

Ron Newberry, attorney for the Lampings: Safety is paramount in their minds and this is the first stage in their project. This particular unit is situated in the middle of the Lampings' property. They aren't asking you to waive any fire code issues on those buildings not yet built. The issue is that they have attempted to communicate with Chief Mergenthaler. He's been invited to the property to inspect it and he hasn't come. The fire department is recommending a 2-hour fire wall and these buildings are constructed entirely of metal, which is inflammable and does not pose a threat to public safety. The applicants request the county allow the authority of the State dept of labor and industry to supplant the local fire department. We've been assured by the state that all codes have been met in this project. Regrettably we are in a conflict. We ask the commission adopt the approval of the state department. The second part of the conflict is that Mr. Mergenthaler had been demanding they pay \$1000 for this approval, though we can't find any basis for that, they have contended with \$500, which is consistent with other

departments. We submitted that to Mr. Rives. I commend Mr. Rives on his assistance in navigating such a difficult matter. The projects are built and they're ready to rent and they are losing money daily over this issue of putting in a 2-hour Fire Wall. The Lampings are aware of the requirements, but this particular building does not present any threat at all to public safety. They have met every reasonable requirement.

Commissioner Murray: Asked if this issue should be taken to Eastgate Fire and not to the county?

Ron Newberry: Stated that the county imposed this requirement so the Lampings came back to the commission to ask that another review body that has greater authority and experience (the state) could replace the authority of the Fire Marshall. We would like that condition to be replaced. We know the project itself will still have to be approved either way.

Commissioner Varone moved to schedule a public hearing. The motion died for the lack of a second.

Commissioner Murray moved to deny the request and does not think the Board of county Commissioners are the property body to deny this. Commissioner Tinsley seconded the motion.

Commissioner Varone: As far as she knows there weren't any other fire wall requirements for other storage units within this county. She is not satisfied that the right decision has been made and doesn't yet agree with the \$1000 requirement.

Commissioner Murray: Still believes the Eastgate Fire Board of Directors are the proper agency the Lampings should speak to. He believes they are the only authority to override the Fire Chief's request and change any fire plans the Chief requires.

Commissioner Tinsley: The Lampings had already agreed to the Conditions of Approval on August 24, 2004 and agreed to go forward at that time. The volunteer fire departments are the ones who fight the fire. The building may be metal, but the contents are not. I believe that the conditions are made for the safety of the fire fighters. I agree with Commissioner Murray that this issue belongs in front of the Eastgate Fire Board.

Commissioner Varone: The Subdivision Regulations provide a standard and consistency for the county, but does not agree with the fire regulations, but she agrees with their consistency. In the past there was no consistency. She believes it's a perfect example of that inconsistency and she thinks that the State Fire Marshall has authority over the county since she worked for the state for over 15 years.

All 3 commissioners approved the Subdivision Regulations, but the motion to deny the request carried 2-1. The request was denied. Commissioner Varone voted against the motion.

Public comments on items not mentioned above. None.

There is no other business, the meeting **adjourned** at 9:30 a.m.